

Hazardous Materials Annex
To the
Madison County
Emergency Operations Plan

(Revised July 2004)

SIGNATURE PAGE

We, the undersigned, agree to the policies and procedures set forth in the Hazardous Materials Annex (as revised July 2004) to the Madison County Emergency Operations Plan and approve of its inclusion therein:

Ted Coffman, Chairman, Madison County Board of Commissioners

Date

Ralph Hernandez, Mayor, Town of Ennis

Date

Colin D. Mathews, Mayor, Town of Virginia City

Date

Christopher W. Mumme, Mayor, Town of Sheridan

Date

Betty Sykes, Mayor, Town of Twin Bridges

Date

Dave Schenk, Madison County Sheriff and Fire Marshall

Date

John Allhands, Madison County DES Coordinator

Date

Hazardous Materials

Annex

Purpose

The purpose of this annex is to provide procedures, information and assignments of responsibility applicable to planning, preparation, mitigation, response, and recovery operations related to an incident involving release or potential release of hazardous materials within Madison County.

Its intent is to provide for a coordinated effort by responders, County agencies and the entire Emergency Management team to minimize the adverse effects on man and the environment resulting from such an uncontrolled release of or exposure to hazardous materials.

The State of Montana, recognizing the wide variation in local hazardous materials response capabilities, has stated that the state's intent is to supplement local capabilities, not to supplant it. The Montana Hazardous Materials Plan, therefore, is intended to assist the County in all its HazMat mitigation and recovery efforts and shall be implemented at the request of the County government and/or the Incident Commander, who will retain their primary responsibilities for management of the emergency.

Concept of Operations

A. Situation: Hazardous materials include any substance in a quantity or form that could pose an unreasonable risk to health and safety of humans, animals, plants or property when involved in a release, spill fire or other exposure. Such an exposure could be accidental or deliberate. The former is an emergency event and may be a criminal event. The latter is certainly both.

Hazardous materials are transported in ever-increasing volume by all modes of transportation. They are legally stored in considerable quantities in almost every community and rural area. They may also be found illegally transported or stored, either deliberately or through ignorance and neglect and, in some cases, are the byproduct of criminal activity. Such materials may be explosive, corrosive, radioactive, or chemically or biologically poisonous. At the very least they are a pollution threat and they can be a great deal more. For purposes of reporting and classifying, hazardous substances, the Department of Transportation designates the following categories, which may be found in greater detail in the Emergency Response Guidebook (DOT p 5800.3) located in the EOC and with selected emergency responders:

- Class 1—Explosives
- Class 2—Gases
- Class 3—Flammable Liquids
- Class 4—Flammable Solids; Spontaneously Combustible Materials;
Materials that are Dangerous when wet
- Class 5—Oxidizers and Organic Peroxides
- Class 6—Poisonous and Etiologic (Infectious) Materials
- Class 7—Radioactive Materials
- Class 8—Corrosives
- Class 9—Miscellaneous Hazardous Materials

Many business, including agricultural enterprises, use or store substances which might pose a threat to their own private property, their employees and, in some cases, their neighbors. Controlling these risks is the responsibility of the entities concerned.

B. Assumptions:

Madison County emergency responders have only a limited capability to respond to incidents involving release of hazardous materials in large, or potentially lethal quantities and even less capability for lengthy, sustained efforts to counter the effects of release of hazardous material. State and Federal hazardous materials response teams and other support agencies will respond with technical expertise and resources upon request by local officials. In general, private agencies involved in the manufacture, use, storage and transport of hazardous material will cooperate with local government representatives in preparing for and responding to situations resulting from the loss of control of hazardous substances, and which create a hazard or potential hazard to public health and property or cause damage to the environment. Assumption of culpability may be another matter, however, and responders will need to carefully document and record pertinent observations and matters of evidence in so far as matters of safety will allow.

Local government has the responsibility for the protection and well-being of the citizens. Consequently, governmental entities must be required to make appropriate initial response to hazardous material incidents of all types and sizes. Responders will make initial assessments as to the severity and magnitude of the situation and take appropriate protective measures to first maintain the safety of the responder and their team and second to prevent or minimize injuries and threats to safety and/or property damage. The Fire Departments have been assigned primary responsibility for hazardous materials control, however all departments with a first responder mission must train their personnel in recognition of and first step protective measures for hazardous materials. They must also train their personnel to be aware of the potential for and the signs of terrorist involvement in hazardous material situations with a view to facilitating early recognition of such involvement, if it were to exist, in a HazMat incident.

C. Outline of Actions to be taken:

1. Pre-Emergency Operations (Planning and Mitigation Phase). Working in conjunction with the LEPC, the County Office of Homeland Security/DES will maintain an ongoing analysis of the vulnerability of the community to the threat of hazardous material incidents, both deliberate and unintended. Such an analysis includes intelligence gained from law enforcement sources, on-site inspections by fire departments and the Fire Marshal, the activities of the County Sanitarian and all other agencies within the county to provide both a theoretical and an empirical assessment of potential risk. The LEPC will use this assessment as a basis for fulfilling its responsibility to plan for mitigation, response and recovery for such incidents. Such planning will:

- a.. Provide a framework for response to hazardous materials incidents.
- b. Ensure compatibility and seamless integration of procedures to be followed for communications, warning, public information, evacuation, shelter, feeding and the provision of health and medical services through the existence of a current and appropriate framework of County plans.
- c. Supervise provisions made for training and exercise of response personnel consistent with Emergency Management policies, planning and resources made available by the Board of Commissioners.
- d. Oversee development of detailed procedures for management of the safe identification, control and cleanup of hazardous materials.
- e. Develop a network of mutual assistance agreements and similar pre-existing agreements with neighboring jurisdictions and such other entities as may be necessary to provide for an effective response to Hazardous Material incidents. Such a network of agreements shall include those obtained with the four incorporated towns of Madison County.

2. Emergency Operations (Response Phase). Throughout all emergency operations, responders will regard safety of the responders as an uppermost consideration. Every effort must be made to preclude trained emergency personnel from becoming another casualty to be cared for.

This phase of emergency management typically involves both Fire and Law Enforcement resources, who have a mix of responsibilities in effectively managing the scene, chemical identification, evacuation, safety management and any rescue and triage of patients. To the degree that personnel damage or the potential for personnel damage is involved, emergency health care providers may also be on scene. Depending upon the extent of the hazard, management of control, cleanup and decontamination could also be a part of this phase.

Command and control of response actions will be taken within the framework of the Incident Command System (or Unified Command System as appropriate). The senior jurisdiction Fire responder will assume Incident Command of all HazMat incidents at the earliest practicable time. Subsequently, when the situation develops beyond the considerations of the hazardous material(s) themselves, as it may when security or criminal activity become paramount, it may become appropriate to transition Incident Command to other senior qualified individuals.

In general, the following is an outline of the action to be taken:

- a. Verify initial information that a HazMat incident has occurred. Immediate action should be taken to safeguard responders and the public.
- b. Approach incident site with due regard to metrological and topographical conditions (usually from upwind and uphill direction).
- c. Stop at a safe distance and survey the scene, attempting to determine the nature and magnitude of the problem.
- d. Establish an initial command post and staging area. Alert appropriate agencies of ongoing operations.
- e. Continue attempts to determine the exact nature of the hazardous material involved. This could include obtaining information from witnesses or participants (e.g. driver in the case of vehicular accident); examination of shipping/cargo papers, placards, type of container, etc. The attempt is to determine the threat to safety and health which is involved. Frequent and succinct communications with other members of the emergency response and management team are fundamental to effective response. Contact shipper/owner/responsible parties as appropriate. Chemtrec, State DES, State DEQ and or other private, state or federal sources of information and assistance should be consulted and informed as appropriate.
- f. Perform any necessary life saving rescue and first aid safely possible.
- g. Establish a safe perimeter including making and/or guarding to preclude undesired intrusion, using the Emergency Response Guidebook as a guide. Secure the hazard area. Evacuate the hazard area as necessary.
- h. Activate the EOC if the requirement for coordination, logistic support, public information and/or procedural assistance requires it or prudent response indicates its desirability.
- i. Select goals, objectives and tactics to manage the incident with the least risk possible. Limit emergency operations to the extent of the expertise available to emergency service personnel and within the limitations of available equipment and materials. A fundamental principal guiding HazMat operations is that ill-advised on-scene operations should not be allowed to make the incident more, rather than less, dangerous.

3. Post-Emergency Operations (Recovery). Post emergency operations involve functions that could produce hazardous effects if carried out improperly. Containment and cleanup of hazardous materials require proper resources and expertise. As such, the guiding fact remains true that ill-conceived efforts to contain and cleanup could make the incident more, rather than less, dangerous.

a. Management of recovery operations eventually transition as the incident becomes stable and the threat to life and safety recedes. The Health authorities and proprietary personnel become increasingly responsible for cleanup operations. Emergency responders will cooperate with external response teams, the owner/shipper and/or state and federal environmental personnel.

b. Continue to provide area security and prohibit all unauthorized personnel from entering the area as required.

c. Keep accurate and documented records of all expenditures of money and physical resources of the various local governmental agencies involved.

Organization and Assignment of Responsibilities

A. Local Emergency Planning Committee (LEPC): The LEPC, working with the Homeland Security Administrator and the DES Coordinator, is the principle County planning body for Emergency Management of all hazards. As such, and under the supervision of the Board of Commissioners, it is tasked with county-wide Emergency Management policy development; production and maintenance of assessment and planning documentation; County DES equipment procurement; coordination of training and broad-based exercise of agencies within the area of responsibility of Madison County government.

B. Disaster and Emergency Services:

1. Provide technical expertise and guidance to the LEPC in the execution of the duties outline in Paragraph above.
2. Activate the EOC as necessary. Notify EOC staff as required. Advise Emergency Management regarding considerations within the EOP.
3. Advise Incident Command and assist in coordination of the various jurisdictions, including health, fire, law enforcement, public works and the like.
4. Coordinate with and assist Unified Command when activated.
5. Contact and coordinate with industry and private interests, and state and federal authorities to ascertain extent of hazard. Collect pertinent information regarding involvement and nature of the incident and response activity thereto.
6. Advise elected officials on requests for assistance, declarations and such emergency management considerations as may be pertinent.
7. Facilitate financial management of HazMat incidents.
8. Coordinate logistics and resource management.
9. Maintain personal logs and records and encourage equivalent record maintenance for all emergency management activities.
10. Conduct post-action analysis and critique.

C. Homeland Security:

1. Ensure continued awareness of the potential for WMD/Terrorism considerations in all HazMat incidents.
2. Assist the DES Coordinator in the performance of his duties consistent with the duties of paragraph C.1. above.
3. Coordinate public information activities.
4. Participate in post-action assessment and critique.

D. Emergency Medical Services:

1. Ambulance/Quick Response Unit:
 - a. Execute responsibilities for triage, treatment and transportation with the limits of certification and training.
 - b. Keep hospital and health authorities informed of the medical situation.
 - c. Coordinate with Incident Command/Unified Command and provide assistance as requested.
 - d. Maintain appropriate health and administrative records.
 - e. Assist and advise in personnel decontamination as appropriate.
2. Hospitals and other Health Care Providers:
 - a. Implement Hospital or applicable agency Emergency Operations Plan.
 - b. Prepare for and respond to casualties.
 - c. Prepare for and execute decontamination procedures as necessary.
 - d. Maintain medical and administrative records as appropriate with due regards for statutory requirements for security of such information.

- e. Promulgate and maintain epidemiological information as appropriate.
3. Participate in post-action assessment and critique.

E. Fire Department(s):

1. Act as Incident Command as long as substantial risk exists from the release of Hazard Material. Determine strategy and tactics for damage mitigation and recovery. The over-riding priority of all decisions made and actions take shall be to safeguard responders and the public. The IC will be in charge of all efforts at the scene including those of state agency support personnel, as set forth in the State Hazardous Materials Plan.
2. Establish a safe Incident Command post and staging area.
3. Coordinate with Law Enforcement officials.
4. Identify the hazardous material and determine life/safety hazards. Determine appropriate access conditions and necessity for restricted areas. If chemicals cannot be identified (and the hazards are therefore unknown), fight fire as though chemicals are toxic and likely to have explosive actions.
5. Within considerations for responder safety, perform any life safety rescues possible.
6. Coordinate and assist Law Enforcement in evacuation as necessary.
7. Keep the EOC, DES Coordinator and other appropriate authorities informed. Montana law calls for initiation of the State Hazardous Materials Plan when the Incident Commander "...determines that a hazardous material is involved in quantities or conditions exist that may pose an immediate hazard to public health and/or the environment or when the IC seeks technical advice or assistance".
8. Coordinate and supervise the activity of responding Madison County HazMat Support Teams. Ensure that activities undertaken are in accordance with the level of certification of team members. Support responding HazMat teams from other jurisdictions as appropriate.
9. Keep Emergency Medical Services appraised of contamination hazards.
10. At all times remain aware of the possibility of terrorist participation in the incident.
12. Participate in post-action assessment and critique.

F. Law Enforcement:

1. If first on scene, identify the hazardous material in so far as safety considerations permit and determine hazards to life, safety and property.
2. Facilitate transition of Incident Command to arriving fire officials. Coordinate and assist Incident Command in establishing a safe command post, staging area, perimeter security and other emergency service matters as appropriate. Be prepared to reassume/assume Incident Command as the situation dictates.
3. Implement evacuation procedures as required.
4. Maintain appropriate financial and administrative records.
5. Remain aware of the possibility of terrorist or other criminal involvement in the incident and seek to facilitate investigation of the scene consistent with safety concerns and the primary need to mitigate the effects of the material(s) involved.
6. Prepare for and facilitate assumption of Incident Command should post-response conditions make it appropriate.
7. Participate in post-action assessment and critique.

G. Public Works:

1. Be prepared to shut down or isolate public utilities and services as may become necessary. Conversely, be prepared to facilitate access to critical areas and infrastructure as requested by Incident Command.
2. Assist Unified Command and/or the EOC as necessary.
3. Participate in post-action assessment and critique.

H. Elected Officials:

1. Oversee response operations to ensure adherence to the provisions of the Montana Hazardous Materials Plan and applicable federal rules and regulations. The primary responsibility of local government, however, remains the safety and welfare of the County residents and visitors.

2. Supervise contractual, financial and mutual assistance matters as appropriate. Ensure that information necessary for completion of the State Cost Recovery Packet (found in the Mt HazMat Plan) is recorded.
3. Be prepared to make formal declarations and request assistance as may become necessary. The Montana Hazardous Materials Plan may be implemented at the request of local government.
4. Ensure that appropriate information is made available to the public and to other governmental agencies.
5. Encourage mutual cooperation among the various jurisdictions and entities which may be involved.
6. In accordance with MCA 10-3-1216 (1), local government is responsible for the collection of all response and cleanup expenses for the incident from the responsible party and reimbursing any state funding source that covers the initial expense of state response to an incident. As a general rule, legal responsibility for removal and remedial action rests with the agency or person responsible for the occurrence of that event.
7. Ensure adequate post-action analysis and remedial action is carried out as appropriate.

Administration and Maintenance

This plan is effective immediately and will be activated at the direction of the Chief Elected Officials of Madison County or their specifically designated representative. The Disaster and Emergency Services Coordinator, in conjunction with the LEPC will conduct an annual review of the Hazardous Material Plan and maintain it in accordance with current procedural guidelines, capabilities and jurisdictional relationships. As a part of the County Emergency Operations Plan, it will receive wide distribution to ensure ready availability to all responders and citizens of the County.

Legal Authority

What follows is a list of references from the Annotated Montana Code which define the responsibilities and authorities to act in accordance with this Annex to the Madison County Emergency Operations Plan. It is believed to be reasonably complete; however complex questions may require consultation with a trained legal professional.

Code Ref.	Description
7-33-21-4	Operation of Fire Districts
10-3-105	Duties of MT Division of Disaster and Emergency Services
10-3-401	Local and interjurisdictional disaster & emergency planning
10-3-1203	Definitions
10-3-1211	Notification of release
10-3-1214	Right to reimbursement
10-3-1215	Deficiency warrants for reimbursement of response costs
10-3-1216	Cost recovery & civil remedies
10-3-1217	Liability of persons and response team members rendering assistance
60-1-103	General Definitions
75-1-1101	Environmental contingency account objectives
75-10- 717	Recovery of costs
75-10-718	Liability of remedial action contractor

In addition, 29 CFR 1910.120 sets forth regulations related to hazardous waste operations and emergency response.